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 San Diego, California 92130-2071  
 Telephone: (858) 523-5400  
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Attorneys for Plaintiff,  
 GEORGIA-PACIFIC CONSUMER PRODUCTS LP

IN THE UNITED STATES DISTRICT COURT  
 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

GEORGIA-PACIFIC CONSUMER  
 PRODUCTS LP, a Delaware limited  
 partnership,

Plaintiff,

v.

LEE'S GENERAL TOYS, INC., a California  
 corporation, JOHN LEE, an individual; and  
 DOES 1-100,

Defendants.

Civil Action No. 07-CV-02391 JAH (POR)

**DECLARATION OF ADAM A. WELLAND  
 IN SUPPORT OF PLAINTIFF GEORGIA-  
 PACIFIC CONSUMER PRODUCTS LP'S  
 SUPPLEMENTAL BRIEF IN SUPPORT  
 OF MOTION FOR PRELIMINARY  
 INJUNCTION**

1 I, Adam A. Welland, hereby declare as follows:

2 1. I am an attorney with Latham & Watkins LLP, counsel for Georgia-Pacific  
3 Consumer Products LP ("Georgia-Pacific"). I am licensed to practice law in the State of  
4 California and admitted before this Court. I submit this declaration in support of Plaintiff  
5 Georgia-Pacific's Supplemental Brief in support of its Motion for a Preliminary Injunction, filed  
6 concurrently herewith.

7 2. The facts set forth herein are within my personal knowledge, to which I could and  
8 would testify competently if called upon to do so.

9 **Defendants' Pending Application for the "Angelito" Mark**

10 3. I searched the website of the United States Patent & Trademark Office  
11 (www.uspto.gov) for the "Angelito" mark using the Trademark Electronic Search System. A  
12 true and correct copy of a print out evidencing Defendants' application for this mark is attached  
13 as Exhibit A.

14 4. Exhibit A illustrates that Defendants intend to use the mark for "bathroom tissue  
15 and toilet tissue.

16 5. Also using the website for the Patent & Trademark Office, I obtained documents  
17 from the prosecution history of Defendants' application for the "Angelito" mark. Attached as  
18 Exhibit B is a true and correct copy of a print out of an Amendment to Allege Use filed by  
19 Defendants in support of their application for the "Angelito" mark.

20 6. Exhibit B illustrates that as of September 2007, the date of the Amendment, the  
21 Defendants are "using the mark in commerce on or in connection with [bathroom tissue and  
22 toilet tissue]."

23 **Defendants' Sources for "Angelito" Bathroom Tissue**

24 7. On January 25, 2008, I received a letter from Mr. Ron Martinetti, counsel for  
25 Defendants. A true and correct copy of this letter is attached as Exhibit C.

26 8. Exhibit C illustrates that Defendants have identified their sources of "Angelito"  
27 bathroom tissue to include RunHui Paper Co., Ltd. and Shantou Kid Toys Co., Ltd.  
28

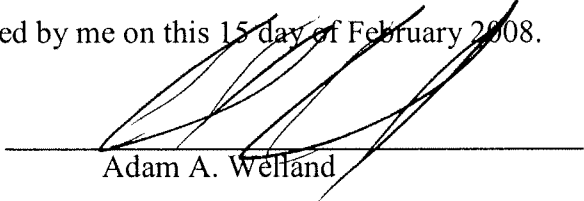
**Trademark Attorney for Defendants' California Registration**

9. A true and correct copy of the Defendants' California Registration for the "Angelite 500" mark is attached as Exhibit D.

10. Exhibit D lists the responsible attorney as David W. Lee from the Law Offices of David W. Lee. Exhibit D also illustrates that attorney Lee is associated with the law firm of David & Raymond.

11. I searched for information relating to David W. Lee and David & Raymond on the internet. Attached as Exhibit E is a true and correct copy of a print out from the website for David & Raymond which describes the Law Offices of David W. Lee. According to the description, attorney Lee has been "actively engaged in the field of Intellectual Property and its derivatives since 1993." The description also indicates that attorney Lee provides trademark registration services.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed by me on this 15 day of February 2008.

  
Adam A. Welland

**EXHIBIT A**



United States Patent and Trademark Office

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# ANGELITO

|                                    |   |
|------------------------------------|---|
| <b>Word Mark</b>                   | ANGELITO  |
| <b>Translations</b>                | The foreign wording in the mark translates into English as Little Angel.  |
| <b>Goods and Services</b>          | IC 016. US 002 005 022 023 029 037 038 050. G & S: Bathroom tissue and toilet tissue.<br>FIRST USE: 20060000. FIRST USE IN COMMERCE: 20060000 |
| <b>Standard Characters Claimed</b> |   |
| <b>Mark Drawing Code</b>           | (4) STANDARD CHARACTER MARK   |
| <b>Serial Number</b>               | 77109596  |
| <b>Filing Date</b>                 | February 16, 2007   |
| <b>Current Filing Basis</b>        | 1A  |
| <b>Original Filing Basis</b>       | 1A  |
| <b>Published for Opposition</b>    | December 11, 2007   |
| <b>Owner</b>                       | (APPLICANT) Lee's General Toys, Inc. CORPORATION CALIFORNIA 3389 E. 59th Street<br>Vernon CALIFORNIA 90058                                    |
| <b>Type of Mark</b>                | TRADEMARK   |
| <b>Register</b>                    | PRINCIPAL   |
| <b>Live/Dead Indicator</b>         | LIVE  |

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**EXHIBIT B**

PTO Form 1553 (Rev 5/2006)  
OMB No. 0651-0054 (Exp. 11/30/2008)

**Trademark/Service Mark Amendment to Allege Use  
(15 U.S.C. Section 1051(c))**

To the Commissioner for Trademarks:

**MARK:** ANGELITO

**SERIAL NUMBER:** 77109596

The applicant, Lee's General Toys, Inc., having an address of 3389 E. 59th Street, Vernon, California United States 90058, is using or is using through a related company or licensee the mark in commerce on or in connection with the goods and/or services as follows:

For International Class 016:

Current identification: Bathroom tissue; Disposable napkins; Hand towels of paper; Napkin paper; Paper hand-towels; Paper handtowels; Paper napkins; Table napkins of paper; Toilet tissue

The applicant, or the applicant's related company or licensee, is using the mark in commerce on or in connection with all goods and/or services listed in the application or Notice of Allowance, except the following: disposable napkins; hand towels of paper; napkin paper; paper hand-towels; paper handtowels; paper napkins; table napkins of paper.

The following is proposed as the complete final identification once the specific good(s) or service(s) identified above is deleted: Bathroom tissue and toilet tissue. The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 00/00/2006, and first used in commerce at least as early as 00/00/2006, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) a photograph of the mark being used on the containers for the goods.

Specimen File 1

A fee payment in the amount of \$100 will be submitted with the form, representing payment for 1 class.

**Declaration**

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to

execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /johnlee/ Date Signed: 09/09/2007

Signatory's Name: John Lee

Signatory's Position: President

RAM Sale Number: 4435

RAM Accounting Date: 09/10/2007

Serial Number: 77109596

Internet Transmission Date: Sun Sep 09 20:22:35 EDT 2007

TEAS Stamp: USPTO/AAU-71.104.0.233-20070909202235542

980-77109596-400b344d8c3256914b03650c4d2

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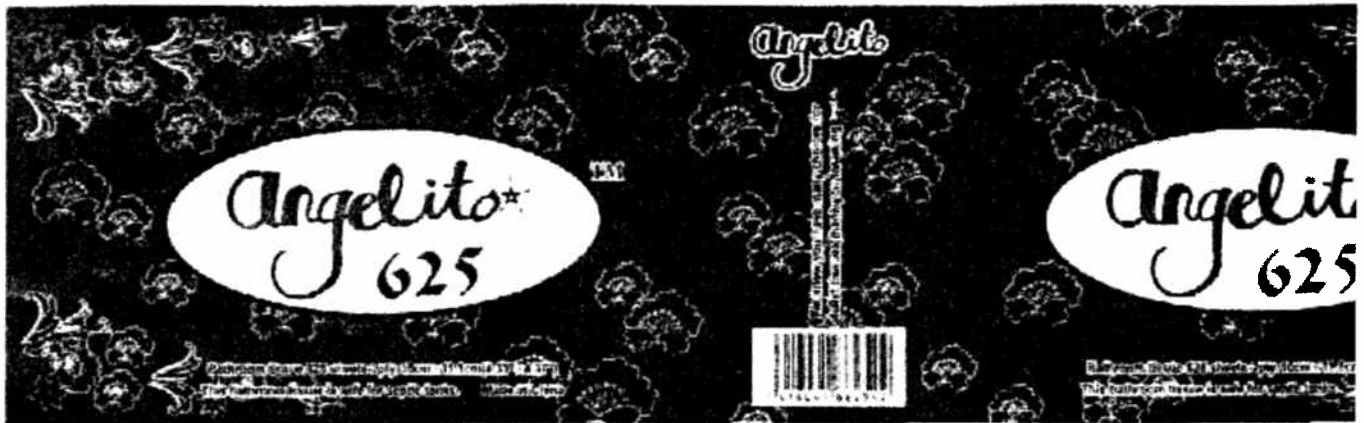
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*If you need help:*

- **General trademark information:** Please e-mail [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov), or telephone either 571-272-9250 or 1-800-786-9199.
- **Technical help:** For instructions on how to use TDR, or help in resolving **technical** glitches, please e-mail [TDR@uspto.gov](mailto:TDR@uspto.gov). If outside of the normal business hours of the USPTO, please e-mail [Electronic Business Support](#), or call 1-800-786-9199.
- **Questions about USPTO programs:** Please e-mail [USPTO Contact Center \(UCC\)](#).

**NOTE:** Within any e-mail, please include your telephone number so we can talk to you directly, if necessary. Also, include the relevant serial number or registration number, if existing.





**EXHIBIT C**

PHILLIP C. KAZANJIAN  
RONALD MARTINETTI  
WENDY L. COFFELT

LAW OFFICES  
KAZANJIAN & MARTINETTI  
520 EAST WILSON AVENUE  
SUITE 250  
GLENDALE, CALIFORNIA 91206

TELEPHONE  
(818) 241-1011  
FAX  
(818) 241-2193

January 25, 2008

Mr. Adam Welland  
Latham & Watkins  
12636 High Bluff Drive, Suite 400  
San Diego, California 91230-2071 VIA FAX AND US MAIL

Re: Georgia-Pacific Consumer Products v. Lee's Gen. Toys

Dear Adam:

Thank you for your letter of January 22. Please note that I am providing the following information as part of our respective settlement efforts and hope that it will assist the parties to move closer to a resolution.

The manufacturer is RunHui Paper Co., Ltd., 40 Hubin North Road, Zhong Shan, China (Tel. 011-76-08780488); the agent in China is Shantou Kid Toys Co., Ltd., Room 203, 5nd Building, Jinguan Yuan, Wenguan Road Chenghai Dist. Shantou City, Guangdong, China (Tel. 011-86-7545853523). Some of my clients sales are walk-ins. Most of the items, however, are sold through five distributors or retail outlets: 1) Kensco, 2602 37th Street, Vernon, Cal. 90053; 2) Double Bargain, Inc., 3033 Bandini Blvd., Vernon, Cal. 90023; 3) TCI Supply Co., 121 E. 18th Street, No. 3, Los Angeles, Cal. 90013; 4) Jorge Acevas Contreras, 2170 Coronado Avenue, San Diego, Cal. 92154; 5) TBA Mexican Trade Grocery, 1045 Bay Blvd., No. A, Chula Vista, Cal. 91900.

My understanding is that 6 containers were imported. The total inventory was valued at \$39,955. Of the 6 containers, 59,520 rolls remained--and the Angelite wrapping has been removed. The 233,280 rolls that were sold were sold at approximately 19 cents a roll; the mark-up was about 3 cents per roll. When the overhead is factored in, there was no real profit.

Mr. Lee has stated in his declaration that he has no intention of selling any Angelite tissue as long as this case is pending; as I have pointed out, we have taken this position as a gesture of good faith and not as an admission of liability.

Yours sincerely,  
*Ron*  
Ronald Martinetti

EXHIBIT 2

**EXHIBIT D**



# State of California Secretary of State

## REGISTRATION OF TRADEMARK OR SERVICE MARK

Pursuant to Business and Professions Code Section 14230

NOTICE: READ ACCOMPANYING INSTRUCTIONS BEFORE COMPLETING THIS FORM

|   |  |  |                                       |
|---|--|--|---------------------------------------|
| REGISTRATION APPLICATION FOR:   |  | <input checked="" type="checkbox"/> TRADEMARK  | <input type="checkbox"/> SERVICE MARK |
| 1. APPLICANT NAME<br>Lee's General Toys, Inc.   |  |  |                                       |
| 2. STREET ADDRESS (PROVIDE CALIFORNIA BUSINESS ADDRESS IF SERVICE MARK)<br>3389 E. 50th Street  |  | 3. CITY AND STATE<br>Vernon, California  | 4. ZIP CODE<br>90058                  |
| 5. BUSINESS STRUCTURE (CHECK ONE)   |  |  |                                       |
| <input type="checkbox"/> LIMITED PARTNERSHIP  |  | <input type="checkbox"/> SOLE PROPRIETOR   |                                       |
| <input type="checkbox"/> LIMITED LIABILITY COMPANY  |  | <input type="checkbox"/> HUSBAND AND WIFE, AS COMMUNITY PROPERTY   |                                       |
| <input type="checkbox"/> GENERAL PARTNERSHIP  |  | <input type="checkbox"/> OTHER (DESCRIBE) _____  |                                       |
| <input checked="" type="checkbox"/> CORPORATION (STATE OF INCORPORATION) <u>California</u>  |  |  |                                       |
| 6. NAMES OF THE GENERAL PARTNERS, IF APPLICANT IS A PARTNERSHIP   |  | 7. NAMES OF MEMBER(S) OR MANAGER(S), IF APPLICANT IS A LIMITED LIABILITY COMPANY   |                                       |
| 8. NAME AND/OR DESIGN OF MARK. (FOR DESIGN PROVIDE A BRIEF WRITTEN DESCRIPTION THAT CAN BE PICTURED IN THE MIND WITHOUT REFERENCE TO THE SPECIMENS. DO NOT DRAW THE DESIGN ON APPLICATION)  |  |  |                                       |
| <u>Angel Lite 500 and design, wherein the mark</u><br><u>comprises the words "Angel Lite" and a star design</u><br><u>disposed in the middle of an oval and the digits</u><br><u>"500" disposed beneath the words "Angel Lite"</u><br><u>inside the oval.</u> |  |  |                                       |
| DISCLAIMER (IF APPLICABLE) NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE THE TERM:   |  |  |                                       |
| 9. DATE THE MARK WAS FIRST USED IN CALIFORNIA<br>01/31/2002   |  | DATE THE MARK WAS FIRST USED ANYWHERE<br>01/31/2002  |                                       |
| 10. IF A TRADEMARK, LIST SPECIFIC GOODS. IF A SERVICE MARK, LIST SPECIFIC SERVICE.  |  | THIS SPACE FOR FILING OFFICER USE  |                                       |
| <u>Toilet Paper, bathroom tissue, tissue paper.</u>   |  | TRADE/ SERVICE MARK<br>REG. NO. <u>1 9437</u><br>CLASS NO. <u>16</u>   |                                       |
| CLASS NUMBER <u>16</u> (ONE CLASSIFICATION NUMBER ONLY)   |  |  |                                       |
| 11. RETURN ACKNOWLEDGMENT TO: (TYPE OR PRINT)   |  | FILED<br>In the office of the Secretary of State<br>of the State of California<br>AUG 25 2003<br><i>Kevin Shelley</i><br>KEVIN SHELLEY, SECRETARY OF STATE |                                       |
| NAME <u>David W. Lee; Law Offices of David W. Lee</u>   |  |  |                                       |
| ADDRESS <u>108 N. Ynez Ave., Suite 128</u>  |  |  |                                       |
| CITY <u>Monterey Park,</u>  |  |  |                                       |
| STATE <u>CALIFORNIA</u>   |  |  |                                       |
| ZIP CODE <u>91754</u>   |  |  |                                       |

SECRETARY OF STATE 101 (REV. 2/97)

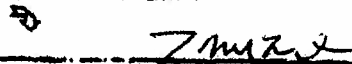
FILING FEE: \$70.00

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DAVID AND RAYMOND

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|   |  |
|---|--|
| <b>12. MARKS OF MARK USE.</b><br>CHECK ALL THAT APPLY   |  |
| <b>FOR TRADEMARKS ONLY</b><br><input type="checkbox"/> ON LABELS AND TAGS AFFIXED TO THE GOODS.<br><input checked="" type="checkbox"/> ON LABELS AND TAGS AFFIXED TO CONTAINERS OF THE GOODS.<br><input type="checkbox"/> BY PRINTING IT DIRECTLY ONTO THE GOODS.<br><input type="checkbox"/> BY PRINTING IT DIRECTLY ONTO THE CONTAINERS FOR THE GOODS.<br><input type="checkbox"/> OTHER _____  | <b>FOR SERVICE MARKS ONLY</b><br><input type="checkbox"/> ON BUSINESS SIGNS.<br><input type="checkbox"/> ON ADVERTISING BROCHURES.<br><input type="checkbox"/> ON ADVERTISING LEAFLETS.<br><input type="checkbox"/> ON BUSINESS CARDS.<br><input type="checkbox"/> ON LETTERHEADS.<br><input type="checkbox"/> ON MENUS.<br><input type="checkbox"/> OTHER _____ |
| <b>13. SPECIMENS</b><br>CHECK ONE BOX BELOW. ENCLOSE THREE (3) IDENTICAL ORIGINAL SPECIMENS.  |  |
| <b>FOR TRADEMARKS ONLY</b><br><input type="checkbox"/> ACTUAL LABELS.<br><input type="checkbox"/> ACTUAL TAGS.<br><input type="checkbox"/> PHOTOGRAPHS OF THE GOODS/CONTAINERS SHOWING THE TRADEMARK.<br><input type="checkbox"/> PHOTOGRAPHS OF A PAPER CONTAINER LEAVING THE TRADEMARK.<br><input checked="" type="checkbox"/> OTHER <u>Actual wrapper for wrapping goods.</u>  | <b>FOR SERVICE MARKS ONLY</b><br><input type="checkbox"/> BUSINESS CARDS.<br><input type="checkbox"/> ADVERTISING BROCHURES.<br><input type="checkbox"/> ADVERTISING LEAFLETS.<br><input type="checkbox"/> MENUS SHOWING THE MARK.<br><input type="checkbox"/> OTHER _____   |
| <b>14. DECLARATION OF OWNERSHIP</b><br><br>APPLICANT HEREBY DECLARES THAT HE/SHE HAS READ THE ABOVE AND FOREGOING APPLICATION AND KNOWS THE CONTENTS THEREOF AND THAT THE FACTS SET OUT HEREIN ARE TRUE AND CORRECT AND THAT THE THREE SPECIMENS OF THE MARK SUBMITTED ARE TRUE AND CORRECT, AND TO HIS/HER BEST KNOWLEDGE AND BELIEF NO OTHER PERSON, FIRM, CORPORATION, UNION OR ASSOCIATION HAS THE RIGHT TO USE SAID MARK IN THIS STATE, EITHER IN IDENTICAL FORM OR IN SUCH NEAR RESEMBLANCE THERETO AS MIGHT BE CALCULATED TO DECEIVE OR CONFUSE. |  |
| NAME OF CORPORATION/PARTNERSHIP/LIMITED LIABILITY COMPANY (IF APPLICABLE)<br><u>Lee's General Toys, Inc.</u>  |  |
| <b>109437</b>   |  |
| SIGNATURE OF APPLICANT<br>   | IF PARTNER, MANAGER OR CORPORATE OFFICER, INCLUDE TITLE<br>President   |
| TYPE OR PRINT NAME OF APPLICANT<br><u>John Lee</u>  | DATE<br><u>6/29/03</u>   |
| TYPE OR PRINT THE NAME AND ADDRESS OF THE PERSON OR FIRM TO RECEIVE THE ACKNOWLEDGEMENT OF THE FILING. SEND THE SIGNED APPLICATION WITH ORIGINAL SIGNATURE TO THE SECRETARY OF STATE, TRADEMARK UNIT, P.O. BOX 84322, SACRAMENTO, CA 95834. SEND WITH THE \$2 LEO FILING FEE.   |  |

**In The Secretary of State of the State of California**

Applicants: Lee's General Toys, Inc.  
Mark: ANGEL LITE 500

Date: August 20, 2003

**Re-Submission of California State Trademark Application**

Trademark Unit, Business Filings Section,  
1500 11<sup>th</sup> Street, 3<sup>rd</sup> Floor, Sacramento, CA 95814.

Sir:

In response to your letter dated August 11, 2003 regarding to the quality of the specimens previously submitted, the applicant hereby respectfully submits the following:

1. A cheque of US\$70.00 for the application fee.
2. A copy of the letter from the Secretary of State, dated 08/11/2003.
3. Registration form: 2 pages, date signed: 06/29/2003
4. A Power of Attorney, date signed: 06/29/2003.
5. 3 actual wrappers bearing the mark for wrapping the goods.

Please accept these documents and payments and continue the prosecution of the application.  
Thank you for your assistance.

Respectfully submitted,

David W. Lee

Law Office of David W. Lee  
Reg. Nr.: 37,490  
108 N. Ynez Ave., #128,  
Monterey Park, CA 91754  
Tel.: (626) 571-9812  
Fax: (626) 571-9813

**Certification of Mailing**

I certify that this correspondence will be deposited with the United States Postal Service as first class mail with proper postage affixed in an envelope addressed to: "Trademark Unit, Business Filings Section, 1500 11<sup>th</sup> Street, 3<sup>rd</sup> Floor, Sacramento, CA 95814." on the date below.

Date: 08/20/03

Signature: Andy WNH  
Person Signing: Andy WNH

109437



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DAVID AND RAYMOND

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Docket No.: CAT116A-LGI

**POWER OF ATTORNEY  
(TRADEMARK)**

Mark: ANGEL LITE 500  
Class: 16

**Power of Attorney:**

I hereby appoint the following attorney(s) to prosecute this application for registration of Trademark and to transact all business with the Secretary of State connected therewith:

David W. Lee, Reg. No.: 37,490

Please send correspondence to:

DAVID & RAYMOND  
108 N. Ynez Ave., Suite 128,  
Monterey Park, CA 91754

Please direct telephone calls to:

David W. Lee  
(626) 571-9812

**Designation of Domestic Representative:**

David W. Lee, whose postal address is 108 N. Ynez Ave., Suite 128, Monterey Park, CA 91754, is hereby designated as applicant's representative upon whom notice or process in proceedings affecting the mark may be served.

NAME OF APPLICANT: Lee's General Toys, Inc.

ADDRESS: 3389 E 50<sup>th</sup> Street, Vernon, CA 90058.

SIGNATURE

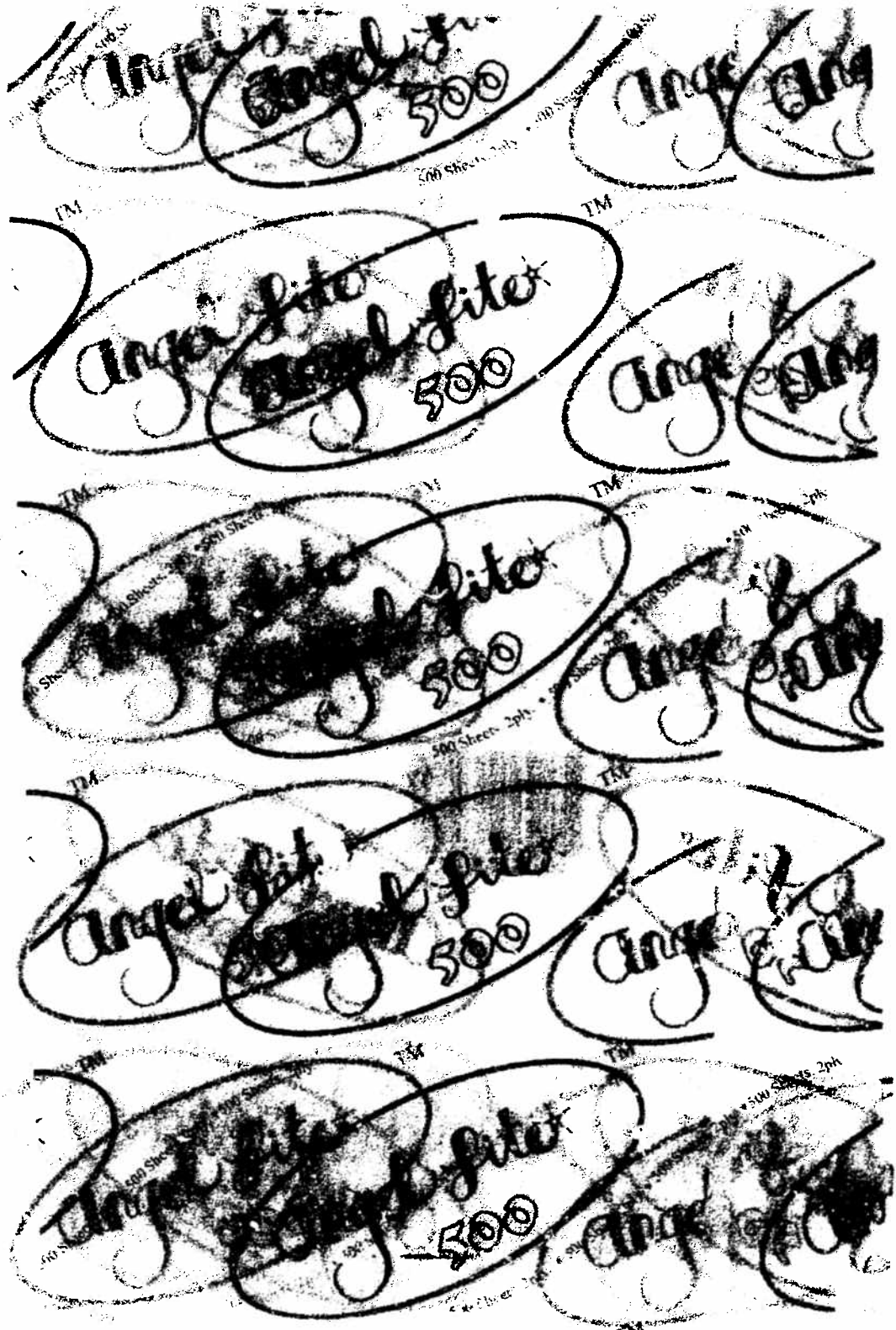
John Lee, President

PRINTED NAME AND TITLE

DATE

109437





109437

**EXHIBIT E**

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Law C

**DAVID & RAYMOND**  
INTERNATIONAL PATENT GROUP

**Law offices of David Woon Lee** is a law firm actively engaged in the field of Intellectual Property and its derivatives since 1993.

Whether it is registering a trademark or copyright, enforcing your patent or other intellectual property rights, we offer our services in protection and enforcement by means of appropriate legal proceedings against infringers of such rights.

At all time we collaborate closely with various governmental authorities including the United States Patent and Trademark Office ("USPTO") to reach effective solutions to all of your Intellectual Property issues and problems. We also offer full spectrum of services to individuals and corporate clients in their Intellectual Property litigations all along the Pacific Rim. Our pledge is to provide you commitment and diligent legal services.

✎ **David and Raymond International Patent Group includes:**

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- [David & Raymond Consulting, LLC](#)
- [Law Offices of David W. Lee](#)
- [Law Offices of A. Justin Lum](#)
- [Patent Firm of Raymond Y. Chan](#)
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